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PATENT
Attorney Docket No. 175931

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MITCHELL et al.

Art Unit: 1614

Application No. 09/424,519

Examiner: B. Kwon

Filed: March 3, 2000

For: THE USE OF A NITROXIDE OR A
PRODRUG THEREOF IN THE
PROPHYLACTIC AND THERAPEUTIC
TREATMENT OF CANCER

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents
Box AF
Washington, D.C. 20231

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed October 24, 2001, rejecting the following claims: 1-3 and 22-27.

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of other than a small entity or a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 1.17(b), the fee for filing the Notice of Appeal is for: other than a small entity or a small entity.

Notice of Appeal Fee due \$320.00

CERTIFICATE OF MAILING

I hereby certify that this document (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: November 26, 2001

Carol D. Neaves

01/18/2002, VTRUONG1, 00000042, 09424519

01 FC:119
02 FC:117

320.00 OP
810.00 OP

00012053 11/26/2001 11:10:20

3. Extension of Time

- Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$920.00.
- An extension for one month has already been secured and the fee paid therefor of \$110.00 is deducted from the total fee due for the total amounts of extension now requested.
- Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$810.00

4. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$320.00
Extension Fee (if any)	\$810.00

Total Fee Due: \$1,130.00

5. Fee Payment

- Attached is a check in the sum of \$1,130.00.
- Charge Account No. 12-1216 the sum of \$. . . A duplicate of this transmittal is attached.

6. Fee Deficiency

- If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.



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Date: November 26, 2001

Appeal Notice (Revised 10/25/01)